

Remarks

The specification has been amended to more accurately describe the claim of priority in the great-grand parent application. Specifically, application Serial No. 08/999,811 (now US Patent 5,932,540) claimed priority directly to 08/207,550, rather than through the divisional application Serial No. 08/824,996. Deleting this incorrect claim of priority in the grandparent application does not change the earliest effective filing date of the current application. Furthermore, publication of the current application was correctly scheduled based on this earliest effective filing date. Because applicants are not presenting a new claim to priority, rather deleting an incorrect claim that was included in the originally presented priority chain, no petition or fee to present a late priority claim under 37 C.F.R. 1.78 is required.

While deleting this claim to priority, applicants have also updated the status of the applications included in the chain of priority. Applicants respectfully request that the amendments to the claim of priority be entered.

Provisional Election With Traverse

The Examiner has issued a restriction requirement separating pending claims 1-31 and 46-76 (Group 1) from claims 32-45 (Group II). *See*, Paper No.14, page 2. To comply with this pending restriction requirement, Applicants herein provisionally elect, *with traverse*, the claims currently restricted to Group I (*i.e.*, claims 1-31 and 46-76) - polypeptides of SEQ ID NO:2 and 4. However, applicants respectfully traverse the present restriction requirement.

As an initial matter, Applicants note that claims 32-45 are drawn to polypeptides of SEQ ID NO:18. SEQ ID NO:18 is identical in sequence to SEQ ID NO:2 and highly related to SEQ ID NO:4 as shown in the alignment, attached as Exhibit A. The difference between SEQ ID NO:18 and SEQ ID NO:2 is the numbering of the amino acids in the Sequence Listing. For example, SEQ ID NO:2 begins with a negative 23 (-23), ends at amino acid 396, and is a total of 419 amino acids in length. In contrast, SEQ ID NO:18 begins at amino acid 1, ends at amino acid 419, and is a total of 419 amino acids in length. Thus, besides the numbering of the amino acid sequence, the sequence disclosed in SEQ ID NO:18 and SEQ ID NO:2 is identical.

Therefore, restriction remains improper unless it can be shown that the search and examination of all groups would entail a "serious burden." *See* M.P.E.P. § 803. In the present situation, no such showing has been made. A search of the polypeptide claims of SEQ ID NO:2 would provide useful information for the polypeptide claims directed to SEQ ID NO:18. Since a search of the claims of Group I would clearly overlap with a search of Group II, applicants respectfully assert that examination of both groups together would not impose a serious burden.

Accordingly, in view of M.P.E.P. § 803, Applicants respectfully submit that the claims of Group I and Group II should be grouped together. Applicants therefore respectfully request that the restriction requirement under 35 U.S.C. § 121 be reconsidered and withdrawn.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Conclusion

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Michele M. Wales (Reg. No. 43,975)
Attorney for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
(301) 610-5772 (phone)

MMW/lcc

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	10	20	30	
1	M H S L G F F S V A C S L L A A A L L P G P R E A P A A A A	SEQ ID NO 2 from PF112P3.PRO		
1	M H S L G F F S V A C S L L A A A L L P G P R E A P A A A A	SEQ ID NO 18 from PF112P3.PRO		
1	M -	SEQ ID NO 4 from PF112P3.PRO		
	40	50	60	
31	A F E S G L D L S D A E P D A G E A T A Y A S K D L E E Q L	SEQ ID NO 2 from PF112P3.PRO		
31	A F E S G L D L S D A E P D A G E A T A Y A S K D L E E Q L	SEQ ID NO 18 from PF112P3.PRO		
2	- -	SEQ ID NO 4 from PF112P3.PRO		
	70	80	90	
61	R S V S S V D E L M T V L Y P E Y W K M Y K C Q L R K G G W	SEQ ID NO 2 from PF112P3.PRO		
61	R S V S S V D E L M T V L Y P E Y W K M Y K C Q L R K G G W	SEQ ID NO 18 from PF112P3.PRO		
2	- - - - - - - - - - T V L Y P E Y W K M Y K C Q L R K G G W	SEQ ID NO 4 from PF112P3.PRO		
	100	110	120	
91	Q H N R E Q A N L N S R T E E T I K F A A A H Y N T E I L K	SEQ ID NO 2 from PF112P3.PRO		
91	Q H N R E Q A N L N S R T E E T I K F A A A H Y N T E I L K	SEQ ID NO 18 from PF112P3.PRO		
22	Q H N R E Q A N L N S R T E E T I K F A A A H Y N T E I L K	SEQ ID NO 4 from PF112P3.PRO		
	130	140	150	
121	S I D N E W R K T Q C M P R E V C I D V G K E F G V A T N T	SEQ ID NO 2 from PF112P3.PRO		
121	S I D N E W R K T Q C M P R E V C I D V G K E F G V A T N T	SEQ ID NO 18 from PF112P3.PRO		
52	S I D N E W R K T Q C M P R E V C I D V G K E F G V A T N T	SEQ ID NO 4 from PF112P3.PRO		
	160	170	180	
151	F F K P P C V S V Y R C G G C C N S E G L Q C M N T S T S Y	SEQ ID NO 2 from PF112P3.PRO		
151	F F K P P C V S V Y R C G G C C N S E G L Q C M N T S T S Y	SEQ ID NO 18 from PF112P3.PRO		
82	F F K P P C V S V Y R C G G C C N S E G L Q C M N T S T S Y	SEQ ID NO 4 from PF112P3.PRO		
	190	200	210	
181	L S K T L F E I T V P L S Q G P K P V T I S F A N H T S C R	SEQ ID NO 2 from PF112P3.PRO		
181	L S K T L F E I T V P L S Q G P K P V T I S F A N H T S C R	SEQ ID NO 18 from PF112P3.PRO		
112	L S K T L F E I T V P L S Q G P K P V T I S F A N H T S C R	SEQ ID NO 4 from PF112P3.PRO		
	220	230	240	
211	C M S K L D V Y R Q V H S I I R R S L P A T L P Q C Q A A N	SEQ ID NO 2 from PF112P3.PRO		
211	C M S K L D V Y R Q V H S I I R R S L P A T L P Q C Q A A N	SEQ ID NO 18 from PF112P3.PRO		
142	C M S K L D V Y R Q V H S I I R R S L P A T L P Q C Q A A N	SEQ ID NO 4 from PF112P3.PRO		
	250	260	270	
241	K T C P T N Y M W N N H I C R C L A Q E D F M F S S D A G D	SEQ ID NO 2 from PF112P3.PRO		
241	K T C P T N Y M W N N H I C R C L A Q E D F M F S S D A G D	SEQ ID NO 18 from PF112P3.PRO		
172	K T C P T N Y M W N N H I C R C L A Q E D F M F S S D A G D	SEQ ID NO 4 from PF112P3.PRO		

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	280	290	300	
271	D S T D G F H D I C G P N K E L D E E T C Q C V C R A G L R			SEQ ID NO 2 from PF112P3.PRO
271	D S T D G F H D I C G P N K E L D E E T C Q C V C R A G L R			SEQ ID NO 18 from PF112P3.PRO
202	D S T D G F H D I C G P N K E L D E E T C Q C V C R A G L R			SEQ ID NO 4 from PF112P3.PRO
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	310	320	330	
301	P A S C G P H K E L D R N S C Q C V C K N K L F P S Q C G A			SEQ ID NO 2 from PF112P3.PRO
301	P A S C G P H K E L D R N S C Q C V C K N K L F P S Q C G A			SEQ ID NO 18 from PF112P3.PRO
232	P A S C G P H K E L D R N S C Q C V C K N K L F P S Q C G A			SEQ ID NO 4 from PF112P3.PRO
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	340	350	360	
331	N R E F D E N T C Q C V C K R T C P R N Q P L N P G K C A C			SEQ ID NO 2 from PF112P3.PRO
331	N R E F D E N T C Q C V C K R T C P R N Q P L N P G K C A C			SEQ ID NO 18 from PF112P3.PRO
262	N R E F D E N T C Q C V C K R T C P R N Q P L N P G K C A C			SEQ ID NO 4 from PF112P3.PRO
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	370	380	390	
361	E C T E S P Q K C L L K G K K F H H Q T C S C Y R R P C T N			SEQ ID NO 2 from PF112P3.PRO
361	E C T E S P Q K C L L K G K K F H H Q T C S C Y R R P C T N			SEQ ID NO 18 from PF112P3.PRO
292	E C T E S P Q K C L L K G K K F H H Q T C S C Y R R P C T N			SEQ ID NO 4 from PF112P3.PRO
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	400	410		
391	R Q K A C E P G F S Y S E E V C R C V P S Y W Q R P Q M S			SEQ ID NO 2 from PF112P3.PRO
391	R Q K A C E P G F S Y S E E V C R C V P S Y W Q R P Q M S			SEQ ID NO 18 from PF112P3.PRO
322	R Q K A C E P G F S Y S E E V C R C V P S Y W Q R P Q M S			SEQ ID NO 4 from PF112P3.PRO

Decoration 'Decoration #1': Shade (with solid black) residues that match the Consensus exactly.